

# Hotel Employees Safety Protections Ordinance

## Questions and Answers

Seattle’s Hotel Employees Safety Protections Ordinance, Seattle Municipal Code (SMC) 14.26, requires covered employers to protect employees from guest conduct that is “violent or harassing,” which is defined as assault, harassment, nonconsensual sexual contact, and indecent exposure.

The **Seattle Office of Labor Standards (OLS)** is responsible for administering this law. OLS provides outreach, compliance assistance and enforcement services.

If you have a question that this Q&A does not cover, visit the [Office of Labor Standards website](#). You may also call 206-256-5297 or reach us electronically:

- Employees with questions and complaints – submit an [online inquiry form](#).
- Employers with requests for technical assistance – submit an [on-line inquiry form](#).

*OLS created this document to provide an explanation of the law. Note: Information provided by OLS does not constitute legal advice, create an agency decision, or establish an attorney-client relationship with the reader.*

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## General Information

### 1. What does this law do?

This law requires covered employers to protect employees from guest conduct that is violent or harassing, which is defined as assault, harassment, nonconsensual sexual contact, and indecent exposure.

### 2. Where can I access a copy of the law and the rules that apply to this law?

The language of the law can be viewed by clicking [here](#). To view the rules, visit the Office of Labor Standards Hotel Employee Protection webpage and download a copy of the [Seattle Human Rights Rules, Chapter 190](#).

### 3. When does this law go into effect?

This law goes into effect for all covered employers on July 1, 2020.

### 4. Which City department administers this law?

The City of Seattle's Office of Labor Standards (OLS) implements this law. OLS provides a range of services for employees and employers including education and compliance assistance. OLS also investigates potential violations of this law.

### 5. Where do employees call with questions? Can employees remain anonymous?

Employees can call 206-256-5297, email [workers.laborstandards@seattle.gov](mailto:workers.laborstandards@seattle.gov), or submit an [online inquiry](#). Upon request, and to the extent permitted by law, OLS protects the identifying information (e.g. name, job title) of employees who report violations and witnesses who provide information during investigations. OLS will not disclose the person's identifying information during or after the investigation, to the extent permitted by law. OLS may need to release names of employees who are owed payment as a result of an investigation.

### 6. What happens when employees call OLS?

Employees may call OLS with questions or complaints. When employees call OLS, they will be directed to an intake investigator who will provide information about the law or gather information about issues at the workplace. If employees wish to make a complaint, OLS may collect information from additional witnesses and/or request documents from employees. After reviewing information provided by employees, OLS will decide if and how it can help, which may take a variety of forms, including simply providing information to the employer, trying to informally resolve the issue without a full investigation, or conducting a formal investigation. If OLS decides to investigate, and if OLS cannot investigate the employer immediately, it may place the case on a waitlist.

### 7. Does an employee's immigration status impact coverage or application of the law?

No, immigration status does not impact coverage or application of the law. As a matter of policy, the City of Seattle does not ask about the immigration status of anyone using City services. Read [OLS' Commitment to Immigrant and Refugee Communities](#) for more information.

### 8. Can employers call OLS with their questions?

Yes! OLS provides compliance assistance and training for employers. Employers can call 206-256-5297, send an email to [business.laborstandards@seattle.gov](mailto:business.laborstandards@seattle.gov), or submit an [online inquiry form](#). OLS does **not** share information about the identity of employers with our enforcement team. Phone conversations and email conversations are kept separate from the investigation process.

### 9. What happens when an employer calls OLS with a question about compliance?

OLS encourages employers to call or email their questions to our office. Our goal is to help employers attain full compliance with Seattle's labor standards and we will answer many types of labor standards questions. OLS has staff dedicated to business engagement who respond to inquiries and who are not members of the enforcement team.

Phone conversations and email exchanges with the business engagement staff are kept separate from the investigation process.

**10. Does OLS provide language interpretation for its services?**

Yes. If OLS staff do not speak your preferred language, OLS will arrange for an interpreter to help with the conversation. OLS's services are free of charge regardless of whether interpretation services are required.

## Employees

**11. Which employees are protected by this law?**

Hourly employees that work at a Seattle hotel or motel of 60 or more rooms (referred to as a hotel or covered hotel in this document) or at an ancillary hotel business are protected by this law. Hourly employees are those employees who are entitled to Seattle's Minimum Wage, [SMC 14.19](#). For more information about employees who are entitled to Seattle's Minimum Wage, visit the Office of Labor Standard's [Seattle Minimum Wage webpage](#).

## Employers

**12. Which employers are *covered employers* and must follow this law?**

This law applies to:

- Hotel employers: employers that own, control, or operate a Seattle hotel or motel with 60 or more guest rooms (referred to as a hotel or covered hotel in this document), and
- Ancillary hotel businesses of any size.

**13. What is an *ancillary hotel business*?**

An ancillary hotel business is a business that has one or more of the following relationships to a covered hotel:

- Routinely contracts with a hotel to provide services in conjunction with the hotel's purpose,
- Leases or subleases space at the site of the hotel to provide services in conjunction with the hotel's purpose, or
- Provides food and beverages to hotel guests and to the public and has an entrance within the hotel.

**14. *Ancillary Hotel Businesses – Routinely contract*: What does it mean to *routinely contract* with a hotel?**

A routine contracting relationship contemplates a business relationship that is sustained and longer in nature. A business that has an isolated and/or short-term business relationship will not be considered to routinely contract with a hotel. A business relationship that is in existence for less than one year is not a routine contract.

**15. *Ancillary Hotel Businesses – Entrance within hotel*: What does it mean to have an *entrance within the hotel premises*? Does an entrance that is primarily used to gain access to a restroom that is located within the hotel count?**

An ancillary hotel business has an entrance within the hotel premises when the entrance is promoted and used by the business's guests as an access point into the business.

A passage that is promoted as and used by the business's customers to access a restroom facility located within the hotel is not considered an entrance within the hotel premises. A sign identifying the business for purposes of navigation to and from the restroom facility is not a promotion of the business.

**16. *Ancillary Hotel Businesses – Services*: What is meant by providing *services*?**

For the purposes of the ancillary hotel business definition, services provide a direct, specific benefit to the guest. The services contemplated in this definition excluded anything that provide an indirect benefit that benefits the general welfare of guests.

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For example:

- Direct benefit: A business that provides the hotel with an employee who helps guests navigate the elevator (e.g. directs guests to different floors). This business provides a direct benefit to a guest and provides services for the purpose of determine whether the business is an ancillary hotel business.
- Benefits the general welfare: A business that has a contract with the hotel to maintain and repair the guest elevators. This business provides an indirect benefit serving the general welfare of guests who are able to use working elevators. This business does not provide services for the purpose of determine whether the business is an ancillary hotel business.

The sale of goods is not a “service.”

**17. *Ancillary Hotel Businesses – Hotel’s purpose:* What does it mean to provide services in conjunction with the *hotel’s purpose*?**

A hotel’s purpose is defined as services that further the hotel’s provision of short-term lodging, which includes food or beverage services, recreational services, conference room rentals, convention services, laundry services, and parking.

**18. *Ancillary Hotel Businesses – Multiple locations:* When a business has multiple locations, but where only one location has a relationship described in the ancillary hotel business definition, which locations are covered?**

The portion of the business enterprise that provides services to guests or at the site of the hotel is covered. For example, where a restaurant has many locations, but where only one location has an entrance within a covered hotel, only the location that has an entrance within the hotel is covered.

## Panic Buttons

**19. Who is required to provide *panic buttons*?**

This law requires that hotel employers to provide panic buttons to covered employees.

**20. Which employees must be given *panic buttons*?**

Hotel employers must provide panic buttons to employees that work in a guest room or are assigned to deliver items to a guest room.

Hotel employers must also allow employees of ancillary hotel businesses to access to their panic buttons when those employees work in the hotel’s guest rooms or make deliveries to guest rooms. The hotel employer must also inform the ancillary hotel business how to obtain and operate the hotel’s panic buttons and inform the ancillary hotel business of details of the hotel’s response to an activated panic button. For more information about ancillary hotel businesses, see the Employer Coverage section.

**21. What is a *panic button*?**

A panic button is an “emergency contact device” that is designed to be easily carried by an employee and that will summon immediate on-scene help from another employee, security guard, or representative of the hotel employer.

**22. What types of *panic buttons* meet the law’s requirements?**

The panic button must be designed to be carried by the user and simple to activate without delays caused by entering passwords, waiting for the system to turn on, or requiring a user to hold down a button to sustain a signal. When activated, the signal must be effective for the circumstances. The signal needs to operate and be detectable regardless of where the employee is located and should not be obstructed by noise from other sources or other visual alarms. A single action like a push, pull, or tap should provide a sustained signal. The panic button must allow the

responder to accurately identify the user's specific location and should minimize inadvertent activation and resist possible disabling by attackers.

**23. What about signaling devices like horns, strobes, buzzers, or other noise makers?**

These typically will not meet requirements as they require the user to hold down a button or take some other action to sustain the signal or do not provide enough information to summon help to the employee's specific location.

**24. What about communication devices like radios, cellphones, or pagers?**

Many of these devices may not meet requirements for simple activation or reliability.

**25. Who pays for *panic buttons*, batteries, and maintenance?**

Hotel employers are responsible for the cost of providing and maintaining panic buttons in working order. This includes batteries and other consumables, and all service and maintenance related to devices and systems.

**26. What must a *hotel employer* do when a *panic button* is activated?**

An employer must immediately send a security guard, another employee, or a hotel representative, to help the employee. An employer cannot discipline or take an adverse action against an employee for using the panic button to call for help. The employee must be allowed to use the panic button and stop working to escape danger and wait for help.

**27. When does the *panic button* requirement go into effect?**

This law goes into effect on July 1, 2020. A Washington state law with similar panic button requirements went into effect statewide on January 1, 2020. Please see RCW 49.50.515 and the [informational guidance](#) provided by the Washington State Department of Labor & Industries on this State law.

## **Deterring Violent or Harassing Conduct**

**28. What are the signage requirements required by this law?**

Hotel employers must post a sign on the back of every guest room door that notifies guests of this law. The sign must include; 1) a header which states, "The law protects hotel housekeepers and other employees from violent assault and sexual harassment;" 2) a citation to Seattle Municipal Code 14.26; and 3) notice that the hotel provides panic buttons to employees who are assigned to work in guest rooms. The sign must be legible, clear, and in size 18-point font or larger.

**29. Is a sign that references the repealed Seattle Hotel Employees Health and Safety Initiative, SMC 14.25, compliant even though it doesn't reference the new law?**

Yes. The sign is still in compliance. SMC 14.25, a law repealed in 2019, required hotels to post signage on the back of guest room doors with similar information that is required by SMC 14.26. SMC 14.26 requires employers to update the reference to the correct law when the sign is next replaced.

**30. Does an employer need to have policies and procedures that address violent and harassing guest conduct? What does the policy have to include?**

An employer must have policies and practices that prevent and address violent or harassing conduct by guests. At a minimum, the employer's policy must explain the employer's obligations under this law and must inform guests and employees of this policy. The employer's policy must also tell employees how to report violent or harassing guest conduct.

**31. When and how must an employer provide this policy to guests?**

An employer must inform guests of its policy prior to or at the time of guest check-in and through other means for special circumstances. Employers must use a method reasonably designed to provide individual notice to guests.

Examples of methods reasonably designed to provide individual notice, include but are not limited to:

- Providing a written copy to the guest at check-in;
- Verbally notifying a guest at check-in;
- Displaying a written policy in the guest room or including the policy in in-room welcome materials;
- Distributing the policy by electronic notification in a booking/reservation confirmation, pre-booking terms of service, or booking/reservation confirmation webpage;
- Distributing the policy to a guest's agent and requiring that the agent distribute the policy to the guest; and
- Displaying the policy on an in-room television screen or monitor for a duration and at a frequency designed to ensure guests can review the policy.

**32. When and how must an employer provide this policy to employees?**

An employer must provide new employees this policy at hire and annually thereafter.

## **Protecting Employees from Ongoing Violent or Harassing Conduct**

**33. What does the law require an employer to do if it receives an allegation or learns that a guest engaged in violent or harassing conduct towards an employee?**

An employer must take the steps that are needed to safeguard employees from any future violent or harassing conduct by the guest. At a minimum, an employer cannot assign any employees to work in the guest's room or make deliveries for the duration of the guest's stay or until an investigation determines that the conduct did not occur. The employer must also provide the accused guest with written notice of these minimum steps.

**34. Can an employer assign any employee to work in the room of a guest who has been accused of violent or harassing guest conduct?**

No. An employer cannot assign employees to work in that guest room or make deliveries in this situation, except in the narrow case of conducting a safety check. Even then, an employer may only assign an employee to conduct a safety check of the guest room if the employee consents and is accompanied by another consenting employee.

**35. What information must be given to an employee who is a survivor of alleged violent or harassing guest conduct?**

An employer must provide the employee with a copy of the notice that was provided to the accused guest about minimum steps taken and a copy of the Notice of Community Advocate and Crime Victim Rights for Employees. OLS creates and makes this notice available online in English and other languages on the [OLS website](#).

This Notice provides the contact information for King County Sexual Assault Resource Center (KCSARC), a community-based, victim's advocacy organization with a 24-hour hotline that the employee can call to receive support and resources. To learn more about KCSARC, please visit: [www.kscarg.org](http://www.kscarg.org). Employees may call KCSARC to receive confidential services by dialing: 1-888-998-6423.

**36. What protections are afforded to an employee that is the survivor of alleged violent or harassing guest conduct?**

The employee is entitled to the following:

- At the employee's request and/or consent, reassignment to an equivalent or better assignment away from the guest during their stay;
- Up to 16 hours of paid time to be used within the 14 days following a report so that the employee can work with law enforcement and can consult with a counselor, advisor, advocate, or support person; and
- The employer's cooperation in any law enforcement investigation into the incident.

**37. Are the 16 hours of paid leave given in addition to paid leave granted by Seattle's Paid Sick and Safe Time Ordinance, Washington State's Paid Sick Leave, and Domestic Violence Leave laws?**

Yes. The 16 hours of paid leave must be granted in addition to these types of paid leave.

### **38. What notice does an employee have to give to take the 16 hours of paid leave?**

An employer may require an employee to give reasonable notice of an absence from work for a use of paid leave authorized by this law. These policies cannot interfere with an employee's lawful use of paid leave. OLS encourages employers to be flexible given there are many reasons why an employee would need to take this kind of leave suddenly.

- When use of paid time is foreseeable, the employee should give verbal or written notice of the intention to take leave as early as possible.
- When use of paid time is unforeseeable, the employee must give notice as soon as possible before the start time of their shift, unless it is not practicable to do so. When not practicable, notice must be provided no later than the end of the first day that the employee takes such leave. Another person may provide notice on the employee's behalf if it is not practicable for the employee to do so.

### **39. What if the employer cannot identify whether an employee is asking to take paid leave under this law versus paid leave granted by other laws? Can an employer ask about the specifics of why the employee needs to take leave?**

If the reason for the use of paid leave is not obvious or if an employee does not volunteer sufficient information to identify their request as one for the use of paid leave under this law as opposed to a request for use of other paid leave, an employer may make a general inquiry as to whether the request is for paid leave granted by this ordinance.

However, the employer may not ask the employee to explain or specify the specific nature of the leave. If an employer obtains health information about an employee, the employer must treat that information in a confidential manner consistent with privacy laws.

## **Notice, Posting, and Recordkeeping Requirements**

### **40. What are the notice and posting requirements of this law?**

Employers must display one of two notice of rights posters that OLS will make available for electronic download on its website. One of the posters is for employees of hotels (Notice of Rights for Hotel Employees) and one is for employees of ancillary hotel businesses (Notice of Rights for Employees of Ancillary Hotel Businesses). These posters contain the information that employers must post to comply with the notice and posting requirements of all four hotel employee protection laws (Seattle Municipal Codes 14.26-14.29).

Employers must display the poster at any workplace or job site their employees work, in a visible and accessible location. Employers must display the poster in English and in the primary languages of employees at that workplace. Employers must make a good-faith effort to determine the primary languages of employees to post posters in the correct languages.

### **41. Where can employers get these posters?**

Employee Notice of Rights Posters are available electronically on the [OLS website](#). OLS creates and updates these posters and will make them available for electronic downloading in English and other languages. Currently, OLS is unable to make printed versions available.

### **36. What if OLS does not have the poster(s) in a specific language?**

To assist with employer compliance with the language requirements of the ordinance, OLS intends to translate posters in several languages. Employers are not required to provide these notices in languages other than English until OLS makes the necessary translation available. Employers are encouraged to notify OLS of the need for additional translations.

### **42. What records must an employer keep?**

Employers must keep records that show compliance with the ordinance. These records must be kept for five years. At a minimum, these include:

- The employer's written policy against violent or harassing conduct by guests;
- Written notices that an employer must provide a guest and an employee if the employer receives an allegation or learns that a guest engaged in violent or harassing conduct towards an employee;
- The necessary steps taken by an employer to safeguard employees from future violent or harassing conduct by an accused guest;
- An employer's reassignment of an employee after a report of violent or harassing conduct; and
- Documentation of any paid time taken by an employee that was afforded by this law.

## Prohibition on Retaliation

### 43. Does the law prohibit retaliation?

Yes. Retaliation is illegal. Employers are prohibited from taking an adverse action against employees who assert or exercise their rights in good faith.

These rights include (but are not limited to):

- Asking questions about the law or the rights given by the law;
- Requesting or using a panic button;
- Reporting violent or harassing guest conduct;
- Requesting paid leave or reassignment following reporting or being subjected to violent or harassing conduct;
- Informing someone about potential or actual violations of the law;
- Filing a complaint with the Office of Labor Standards or participating in an investigation about potential or actual violations of the law;
- Talking to the Office of Labor Standards or coworkers about the rights granted by this law; and
- Informing other employees about their rights.

An employee is still protected from retaliation even if they are mistaken about the right afforded.

### 44. What is considered an *adverse action*?

An adverse action is some action that negatively impacts any aspect of employment, including pay, work hours, responsibilities, or other material change in the terms or condition of employment.

Some examples of adverse actions include: denying a job or promotion, demoting, terminating, failing to rehire after a seasonal interruption of work, threatening, penalizing, engaging in unfair immigration-related practice, filing of a false report with a government agency, changing employment status, or unlawfully discriminating against an employee.

## Waivers

### 45. Can an individual employee waive their rights to the protections of this law?

No. Individual employees cannot waive their rights under this law.

### 46. Can employees who are a party to a collective bargaining agreement waive the protections of this law?

No. Employees covered by a bona fide collective bargaining agreement cannot waive the protections of this law.